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Applications Decline For Law Admission

by Mike Berger

The number of applications for admission to UB law school has declined for the fourth year in a row, according to figures released by Charles Wallin, assistant to the dean and registrar.

Approximately 1,400 applications will be received this year, a drop over 50 per cent from 1974-75, the year in which the most applications were received.

Since 1974-75, LSAT administrations have declined 23.4 per cent, according to a report by Dean Thomas Headrick distributed to various legislative aides March 22 in Albany. The number of LSATs administered is an indicator of the number of people applying to law schools nationwide.

According to the dean's report UB law school applications have declined by over 45 per cent since tuition was raised from \$1,600 per year to \$2,000 per year in 1976.

Headrick speculates applications are down as a result of four factors: the national decline in law school applications, the decline in the amount of law schools to which individuals are applying, the printing of concrete admissions criteria which discourages people from applying who feel they have little chance of gaining admission and the last tuition increase. Headrick noted the projected tuition increase next year will likely have a negative impact on the number of

applicants.

"We are losing applicants who had little interest or expectation of coming here," Headrick said.

Wallin did not think the last tuition increase was the sole reason for the decline in the number of applications, noting some people who were accepted at Buffalo had chosen to go to Syracuse University Law school, which costs \$4,150 per year.

Wallin speculated the decline might be the result of several factors, including the Blizzard of 1977, the declining impact of the increase in the number of women applicants and the increasing difficulty of law school graduates in obtaining jobs.

"There is no one thing which we can put a finger on which has caused the decline," Wallin said.

Despite the decline in applications in the last several years the median scores have remained stable, according to Wallin.

The median grade point average (GPA) for the class entering the law school in 1978 was 3.35 and the median LSAT was 617. The median scores for the class entering the law school in 1974 was GPA of 3.32 and LSAT of 621.

However while the average LSAT score has remained stable at the law school the average score nationally has risen.

The law school has stepped up its recruitment efforts to combat the decrease in admission

— continued on page three



— mike shapiro

New Law Review Editorial Board took office after last Friday's elections and beer blast. Front (l. to r.): Joe Mari, Dave Abbott, Diana Goldwasser. Middle: Dennis Koeppel, Ruth Kennedy-Daise. Rear: David Wynn, Tom Kelly, Wayne Lopkin, Sue Lankanau, Phil McIntyre, Howie Grossman.

Sea Grant Output Questioned

by Jay Marlin

Is the Sea Grant Law Center a terrific program bringing lots of money into the law school and providing exciting opportunities for law students or is it a poorly managed program which has accomplished little for the money spent, filled with students who did nothing for the approximately \$1,200 summer stipend they received?

A series of interviews between the top editors of *Buffalo Law Review* and the co-directors of Sea Grant have turned up a surprisingly contradictory view of

what Sea Grant is and what it has accomplished.

But what is Sea Grant? By its own definition, the "Sea Grant Law Center is a section of the New York Sea Grant College, which is funded by the National Oceanic and Atmospheric Administration of the Department of Commerce."

"The function of the Center is the study of the legal aspects of the exploitation and management of our marine and coastal area resources."

Sea Grant lists its publications as follows:

1975 — Sea Grant Law Center published a selected bibliography on the subject Coastal Zone Legal References, which was updated in 1976.

1976 — The first Sea Grant Journal published in December 1976, was composed of research articles written by 1975 Fellows.

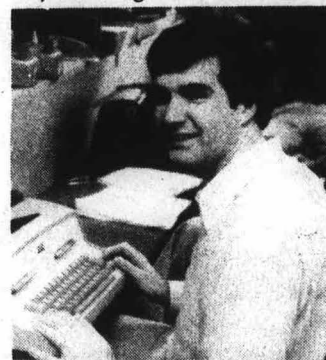
According to Professors Milton Kaplan and Robert Reis, co-directors of Sea Grant, the 1978 Sea Grant Law and Policy Journal is at the printers and should be available by the end of this semester.

In addition, Sea Grant is preparing a set of bibliographies which would supplement the journal, and plans are underway for a 1979 Sea Grant Law and Policy Journal.

The criticism of Sea Grant by Law Review Editors Greg Yawman, David Shapiro, and Larry Goldberg centered on the lack of published articles Sea Grant has produced over the past several years. They maintain there is a lack of direction and control over the twelve individuals who collect the \$1,200 summer stipend.

Reis and Kaplan admitted there were some problems in the past, but maintained the problems have been recognized. The criticism that Sea Grant has not published enough stems from a misunderstanding of the program, they said.

Kaplan cited several reasons why he thought Sea Grant has not



Greg Yawman — mike shapiro

published extensively over the past several years.

"Either the pieces were slow to develop since they were not seen as publishable by those in Law Review, or it simply took us a lot of lead time to develop the articles," Kaplan said.

"Our output has been disappointing to me, but we're confident we're now on the right track," Kaplan said.

Part of Sea Grant's problem according to Goldberg is most of the Sea Grant and Law Review people are the same.

"It's impossible to write two articles, and since the Sea Grant program always ran into the fall, it would conflict with the individual's obligation to the Law Review," Goldberg said.

In response to a lack of published articles by Sea Grant,

— continued on page three

Students Fund Summer Positions

Friday, April 6, is the deadline for the submission of applications to the placement office by students who are interested in doing public interest work this summer under the auspices of a pilot law stipend program launched by the Student Bar Association (SBA) and the Buffalo Law Review.

Two types of positions will be considered for funding under the program. The first type is a full-time clerkship at Legal Services for the Elderly, a non-profit group in downtown Buffalo. The second would include any individual public interest projects in the Buffalo area suggested by applicants.

An application should include a resume, a list of grades to demonstrate good academic standing and a one-page statement of interest in the job. If an individual project is proposed, the application should also include

either a detailed outline of the project or the name and description of the agency for which the student proposes to work.

Interviews will be announced on April 16. A stipend of about \$1,500 will be paid to those selected for positions.

The pilot program began as a joint effort of SBA and Law Review in response to inquiries by some students concerning alternative sources of funding for public interest jobs. SBA plans to allocate \$1,500 in student fees to finance one position. Law Review has already raised more than \$1,500 in pledges from its members for a second job.

Members of the Buffalo Legislation Project and the Moot Court Board have also expressed interest in donating to the program. Other students who would like to help may pledge by contacting Ruth Kennedy-Daise in

the Law Review office. If enough money is raised, a third position may be funded.

If any of the students selected under the program are eligible for work-study money, the amount of the work-study grant would free that much money to be spent on yet another position. Selections, however, will not be made on the basis of whether a student has alternate sources of compensation.

If the pilot program is successful, additional sources of funding will be sought next year. In the future, the hope is that the program will fund entirely projects proposed by students. To help insure the success of the pilot, however, Law Review has committed its \$1,500 to financing a position at Legal Services for the Elderly. Since there is so little time for students to develop creative projects this year, the concrete position is seen as giving stability to the program.

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Editorial

Out With The Old, In With The New

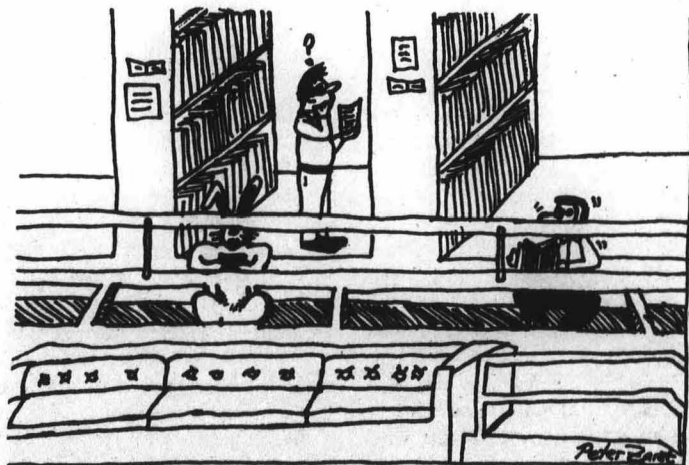
In the face of anticipatory departure anxieties the current editorial board must bid you farewell. It has been a year mixed with much pleasure and frustration. The pleasure largely stemming from the gratification of bringing to a focal point issues of great concern to the law school community. The frustration largely stemming from the desire to be newsworthy, and present news that is not stale, and having to contend with a bi-weekly publication. Sometimes, perhaps too often, the frustration was a result of working with a skeleton staff.

The former problem is due to inevitable financial constraints and is largely unavoidable. It is the latter source of frustration that is more difficult to accept. Things do not always run smoothly, and when they do not the burden falls to those on the editorial staff. But, a newspaper that is content with the status quo and is not frustrated in one capacity or another must seriously question its impact and importance to those it serves.

The new editorial board has been selected and it will be their function to present the next issue. There are many good people who have committed themselves to bring the news to you (and sometimes even the not so newsy). These people cannot do it alone. It is essential for their mental well-being that they receive contributions, and form a substantial staff.

Despite the fact that the paper only comes out every two weeks, and we take pride in having met every deadline in the past year, it requires continuous input. With a larger staff, working for the paper can provide a great diversion from the trials of everyday law school life.

As a final note, we would like to thank everyone who has contributed in the past year and we hope that the current student body will provide at least as much support, and hopefully a little something extra.



Letters To The Editor

Simulated Interviews Complimented

To the Editor:

We have been inundated with compliments on our new program, where a student can be video taped while participating in a simulated interview. Unfortunately, only a few people are taking advantage of this opportunity. Compliments don't mean jobs. Good interviewing

skills do.

We realize this is not an experience people look forward to, but neither is interviewing. It is because the latter is essential to obtain a job that the program becomes so important. You may not wish to see what you look like when you're being interviewed, but every prospective employer must. Why not look at yourself

first and get an extra advantage.

No one will see the tape but you, unless you wish to review it with the interviewer. This program is not designed to embarrass anyone, but rather to help everyone who chooses to participate.

Alan S. Carrel
Audrey Koscielniak

LaValle Discusses Dental Education

The following letter was received by Leslie Wolffe in response to her letter written to Senator LaValle concerning the proposed tuition increase for the law school.

March 20, 1979

Dear Ms. Wolffe:

Thank you for writing and expressing your position on increased state monies for private dental schools in New York State.

There is no doubt these schools are an important resource and in recognition of their key role, the State provides \$12 million to New York University and Columbia University; \$1500 for each student in the first two years of dental school and \$2500 for each student in the last two years of dental school. In addition, Bundy aid of \$3100 per graduate is awarded annually to each of these institutions.

Recently the State has been asked to increase dental capitation

aid to \$3300 per student at an additional cost of \$1.2 million. We are now exploring the needs of both public and private dental education, the extent of dental shortage and maldistribution in the State and the implications of increasing aid for dental education on other forms of health science education.

Please be assured that your views will receive serious consideration in our deliberations.

Kenneth P. LaValle

President's Corner

Students Respond To Letter Campaign



by Leslie Wolffe

Public Interest Law

The Student Bar Association (SBA) recently voted to support and fund internships in public interest law in coordination with the Law Review. Tony Leavy and Ruth Kennedy-Daise, along with the SBA Public Interest Law Committee, have developed a pilot program designed to give interested law students the opportunity to obtain summer employment in the area of public interest law. These are positions most students ordinarily might

not be able to afford, because they generally do not pay very well. Contributions by the Law Review and SBA have made it possible to subsidize several students this summer.

Applications for this project are now being accepted. This is the first time SBA has gotten involved in a project of this kind. The project, with its potential benefit to the community, and law students involved, may well provide a new direction for the members of the SBA and the student body.

Law Revue

Congratulations are due to Ted Donovan, Michelle Silver and John Batt for the Law Revue Show and Party held March 24. Attendance was terrific, the show was a success and everyone seemed to have a great time. The question all week has been... "when's the next party?"

Tuition Increase

The tuition increase is still a

very relevant issue. The vote in the legislature on the budget took place April 1. From all indications every effort will be made to insure law school tuition will not be increased should there be a general SUNY tuition hike. This is not a guarantee, but our impression of the situation.

The student response to the SBA letter writing campaign was extremely positive. That kind of community effort may very well prove to be a deciding factor on this issue. We hope to be able to count on that level of student involvement for the coming year.

Orientation

The orientation committee will begin to plan for next year's incoming class. If you have any ideas for activities or programs at orientation, or would like to work on the committee, please contact the SBA office, or leave a note with your name and mailbox number in Box No. 769. We'll be in touch after vacation. Have a good vacation!

Commencement Announcement

Commencement will be held at Artpark, Lewiston, New York on May 26 at 1:30 p.m. Parents and guests are invited to attend. Each student will receive 10 invitations.

Information about motels, eating places and Artpark activities will be available after Easter recess.

The commencement speaker is Matthew Jasen, associate judge, N.Y. Court of Appeals. Music will be provided by the University brass ensemble, and a social hour will be held after the event.

Students should arrange to rent their gowns through the bookstore by April 17. After April 17, a late fee will be charged. The decision to wear gowns was made by student vote, as was the choice of the site. Students are therefore encouraged to wear the regalia.

A Barrister's Ball is being planned in conjunction with commencement. It is tentatively scheduled for May 24 at the Buffalo Athletic Club. Further information will be forthcoming from Carol Egan and her committee.

Seniors who failed to sit for their graduation photos may still arrange to have them taken by signing up in room 312 with Cindy Halm. The sign-up deadline is April 20. A second sitting will be arranged based upon the sign-up.

A graduation rehearsal will be held prior to commencement in the Moot Court room.

Students who have questions should see Allan Canfield.

Admission Scores Are Stable

— continued from page one

applications, Wallin said. "Up until two years ago we had more people than we could accommodate," Wallin said. "Obviously if the decline gets steeper there will be a real problem."

"Many people are unaware of the existence of this law school," Assistant Dean and Professor William Greiner said, noting the school has very low visibility outside the SUNY system.

Although the law school has a "very high reputation among other law schools and among law firms" it is not well known to pre-law advisors at undergraduate institutions, Greiner said.

"Materials were sent to every pre-law advisor in the Northeast," Wallin said. In addition a pre-law advisors workshop was held last fall which 21 advisors attended.

"We never had tried this before," Wallin said.

In addition Assistant Dean of

Student Affairs Alan Canfield visited 13 undergraduate schools in New York state, primarily to recruit minority students.

Canfield noted there is a big market of native New Yorkers who go outside the state for their undergraduate education but want to return to New York to go to law school. Thus far, Canfield said, we have not been able to attract this student to the law school.

"We will get a good student body but it will be more difficult," Greiner said.

According to the 1978 Study of New York State law school applicants, Buffalo law school's most significant competition for students already accepted were law schools in Boston and Washington, D.C.

Despite the decline in applications Wallin said he doubts "whether the State of New York would provide the law school with a full time recruiter."

First Year Applications

1979	1400
1978	1717
1977	2122
1976	2370
1975	2241
1974	2711

Median Scores

First Year Class	GPA	LSAT
1978	3.35	617
1977	3.45	620
1976	3.49	617
1975	3.35	625
1974	3.32	621



— mike buskus

Mugel Competition judges, l. to r., Judge Louis Spector, Court of Claims, Professor Albert R. Mugel, and Stephen Miller, Internal Revenue Service, hear law students argue tax briefs. The best presentation was made by Duquesne University Law School.

Sea Grant Problems Cited

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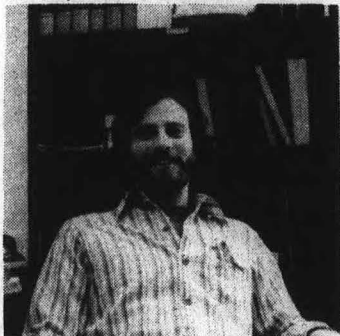
last year the decision was made to merge Sea Grant and Law Review so there could be a greater degree of coordination. Top editors of Law Review received a stipend from Sea Grant over the summer while working on Law Review and monitored Sea Grant fellows and their work.

According to Yawman, the merger "made sense," he said. "Enough articles were written so that Kaplan and Reis decided they could publish their own journal," after the merger.

However, Goldberg questioned the quality of the material accepted for the Sea Grant Journal. "It was pretty low grade material, stuff we wouldn't dream of publishing," he said.

Shapiro added, "Our editorial process is more rigorous."

The lack of responsibility on the part of some students



Larry Goldberg — mike shapiro

accepted into the program was another problem with Sea Grant, according to Goldberg.

"The real problem started this past fall when we hadn't even gotten first drafts from a number of individuals. We told people they would be expected to work 40 hours per week on Sea Grant during the summer, and that it would probably run into the fall," Goldberg said.

"Everyone was aware of their responsibility. They had an oral contract to come up with a piece of suitable writing. Certain people we never saw in the library and we started to get worried. My feeling is that the \$1,200 is a very sought after position, and the individual who accepts that position owes to Sea Grant, this law school and us a bona fide effort," Goldberg said.

"Two people felt their obligation ended with the first draft," he added.

"Other people did minimal work not worth \$1,200," Shapiro said.

"If they're on Law Review, we have intermediate sanction threats — deny them credit, or deny them promotion," Yawman said. "We

have no sanctions for Sea Grant people who did nothing in the fall and summer."

But what the editors of the Law Review did do in the fall was ask Kaplan and Reis to place a letter in the file of students who had not made a "bona fide effort."

Yawman admitted "this was a very serious matter," but pointed out it was done in only a few cases.

Shapiro pointed to a "lack of communication between Law Review people and Reis and Kaplan as part of the problem."

He acknowledged part of the fault lies with Law Review. He said, "The program is not structured enough. Part of it is our fault and part is Reis and Kaplan's fault, but we are doing something wrong."

Despite all the problems he sees with the program, Goldberg would not want to see the program eliminated. "It's simply too profitable for the school," he said. He pointed to a new world processor which Sea Grant funds will bring to the law school.

Kaplan and Reis argue that besides publishing, Sea Grant has performed a very important "educational mission."

"We've held seminars and conferences, have worked on special projects for the State of New York, and have prepared our people so they can go out and speak to groups on the topics they've been working on," Kaplan said.

The three conferences conducted by Sea Grant at the law school were on Power Plant Siting, Coastal Zone Management and Great Lakes Shipping, which were well attended, Reis said.

Kaplan noted both the New York Sea Grant Institute and its national arm regard the Buffalo Sea Grant Program as "one of the best in the country."

One project in particular the Sea Grant fellows worked on was a proposal to build a major port facility off the New York and New Jersey shore and the legal questions surrounding the construction of such an island complex.

"It isn't just publishing on someone's perceived scheduled that measures the value of the year's program. If the ground rules said that every student who got a fellowship must publish something, then if you looked at it that way it's a dismal record," Kaplan said.

Kaplan pointed to the 1979

Symposium issue of Buffalo Law Review and the Sea Grant Law and Policy Journal to indicate where many of the articles written by the fellows over the past couple of years will be published.

"I think," Kaplan said, "that people are taking unfair pot shot at the program instead of taking shots at the individual students. This is a law student problem."

"I don't know anyone now who is not producing. We are doing the best we can under the circumstances, and in terms of output, the current people will be productive," said the senior professor.

Reis echoed Kaplan's point that publishing wasn't the sole goal of the program. He cited the work of the Sea Grant fellows in working with the New York Department of State on the legal questions surrounding extending the coastline in conjunction with New Jersey, and of the legal questions surrounding the extension of the Erie Canal.

"For our 1979 trainees," Reis said, "we will have to cut down on the magnitude of the tasks assigned to them. Instead of playing it by ear as before, we will now have a tracking mechanism. "If you compare Law Review to Sea Grant, you have to notice that Law Review articles are of a small to moderate size, while ours are major policy pieces," Reis said.

"We're closer to schedule than most law reviews and we don't go outside the law school for articles," he added.

Reis pointed out Sea Grant is the only "undergraduate law program in the country, which provides support for student research and training within the law school."

"If people can't publish their stuff in the law review, then it can be published in the Sea Grant Journal," Reis said. He added the biggest problem is "we have too much stuff to publish, so we have to hustle for the money."

"Tell me another law school where an 81 page piece by a student can be published?" Reis asked.

"Look," he said, "there's always someone who takes advantage. If there's a problem we will deal with it. Statistically, the program does well. And, we are even having students come to the law school just for Sea Grant. We know because they talk to us before they decide to come here. This can only be a positive factor for the school."

SBA Votes For Option In Insurance Coverage

by Rossella Brevetti

To ascertain student sentiment on the controversial abortion coverage issue, Student Bar Association (SBA) conducted a health insurance survey before voting on March 22. When the ballot boxes closed, 255 students had returned the questionnaires. Although the turn-out may not be indicative of the majority view, certain trends were observed.

Under the present UB health insurance program, students wishing to be exempt must demonstrate coverage under a private program. In response to a question asking whether the University should continue this mandatory insurance coverage, a majority of 130 answered yes. A clear majority, 181, felt abortion coverage should be included in future University health insurance plans.

The question which generated the most debate at the SBA meeting was the one asking whether some type of option should be provided with respect to abortion coverage. At present, there is no provision in this year's insurance program for anyone who does not desire abortion coverage.

One hundred and twenty-two students voted for the option while 131 voted against any option. A majority of 123 students felt that if an option was included it should apply to any student.

The abortion question is one which will have ramifications throughout the student

community. The Board meeting was attended by Coalition for Abortion Rights and Against Sterilization Abuse (CARASA) and other interested parties who participated in the heated debate. Each issue was discussed by board members followed by a general discussion open to all present.

Before deciding the abortion issue, the board voted to continue mandatory health insurance coverage. After this issue was resolved, Tony Leavy spoke in favor of an opt-out insurance plan for those who were "religiously, philosophically, or morally opposed to abortion." Leavy remarked the opt-out plan would satisfy both sides, protecting a women's right to have an abortion while at the same time not offending those morally opposed to abortion.

After Leavy had spoken, board members exchanged views with CARASA representatives. Some board members questioned the validity of the survey. One CARASA member expressed the view the survey was biased. An SBA representative felt the survey shouldn't carry any weight since the "majority shouldn't decide minority rights." At the conclusion of the floor discussion, no consensus of opinion had been reached.

After hearing the various arguments, the SBA voted against mandatory abortion coverage in favor of an opt-out provision. The opt-out plan for abortion coverage was voted down at a Sub Board meeting on March 22.

NOTICE

Applications are being solicited for the position of instructor in the 1979-80 first year research and writing program. The program will be conducted during parts of both semesters, commencing late in September 1979. The work will be concentrated in periods totaling about 16 weeks between then and April 1980.

The stipend will be \$1,500.

Applicants should submit to the placement office on or before April 27, 1979:

1. A Resume
2. A Writing Sample
3. A statement indicating extracurricular commitments of the applicant during the 1979-80 school year.

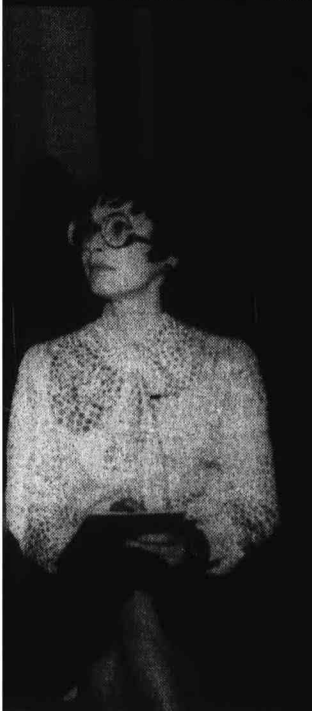
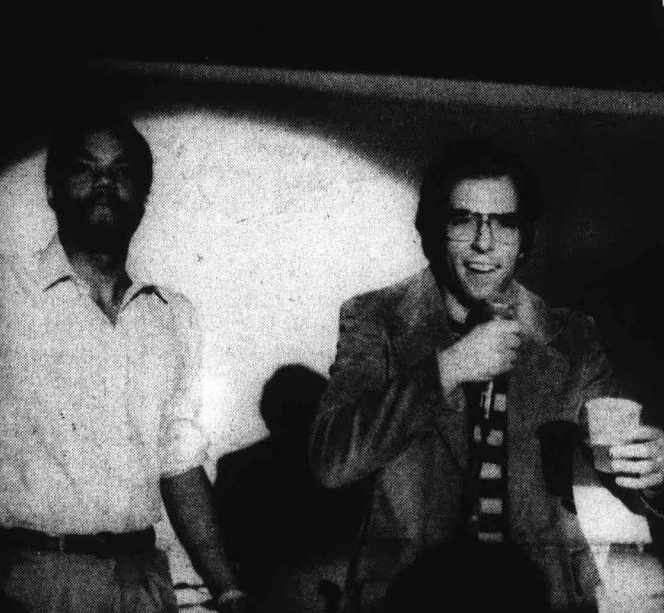
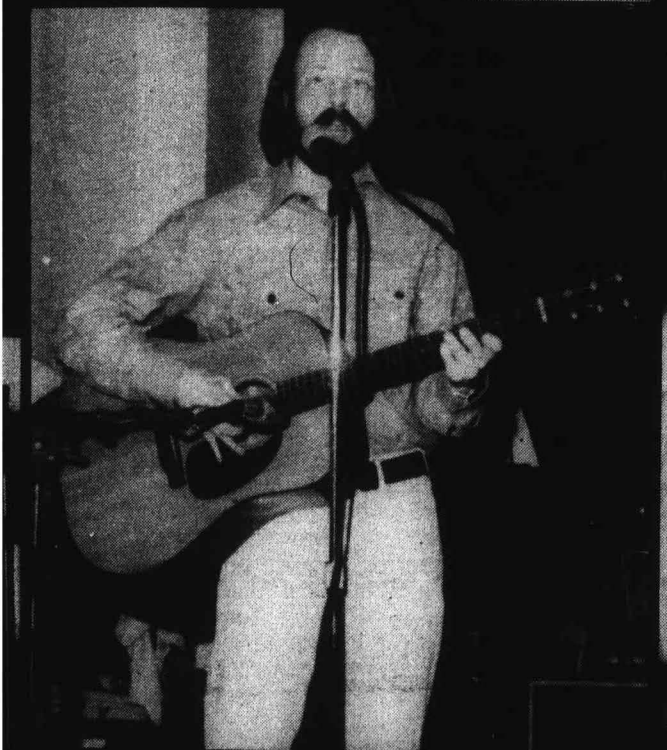
Preference will be given to third-year students.

The Law Revue



The second annual Law Revue was an unqualified success. The many talented and not so talented but enthusiastic law students, faculty and staff provided an evening of fun and entertainment. Hidden talent at the law school includes magicians, comedians, belly dancers, tap dancers, musicians, nude law professors and vocalists. Emcees Ken Patricia, Ricky Samuels and Ken Turek kept the show rolling smoothly along with their professional patter. And the band would have made Dizzy Gillespie proud. Thanks to all who made the evening possible.





photos by: Mike Buskus
Saul Brenner

Culinary Counsel

A Culinary Celebration of Passover And Easter



by Paul Suozzi

1 medium carrot
½ medium onion
bunch of fresh dill
bunch of fresh parsley
salt and pepper
Grate the carrot and onion in with the egg, matzoh meal and water and mix. *Finely chop* 2 or 3 tablespoons of the fresh dill and add. Chop a little parsley and add. Mix all ingredients thoroughly. Salt and pepper to taste. (If the mixture is too thick, add a little water.) Stuff a bird.

Neapolitan Easter Cake/ from Marianne Suozzi

Pastry:
2 cups flour
4 tablespoons sugar
½ lb. butter
2 egg yolks
Filling:
½ cup rice
2 squares baking chocolate
1 lb. ricotta cheese
1½ cups sugar

Flour a board and roll out the remaining pastry until about ¼ inch thick. Cut into ½ inch wide strips using a pastry cutter, and place them lattice fashion on top of the ricotta.

Bake for one hour. Cool before serving.

Basic Sweet Dough/ from Tanya Miller

1 cup milk, scalded

Sweet Rolls:

Take half of the above dough and roll into a rectangle 12x15 inches. Spread with melted butter, brown sugar and cinnamon. Roll up jelly roll fashion. Slice into ¾ inch slices and place cut side down on greased pan. Let rise until double and bake as above. Frost with confectioner sugar icing. (1 cup sugar, 2 tablespoons milk, ½ teaspoon vanilla)

The holy days of Passover and Easter have very special significance for the members of the Jewish and Christian faiths. Both commemorate pivotal episodes in the lives of their respective followers. For Jews it was the passing over of the angel of death and their escape from Egypt. For Christians it was the resurrection of Christ and the redemption of man.

As might be expected, these events have an impact on the kind of food served during the season. Passover is characterized by matzoh — unleavened bread. It is made without yeast or other leavening agents in remembrance of the fact that the Jewish people had no time to let their bread rise while fleeing bondage in Egypt. Easter marks the end of Lent, a period of penitence and denial. The joy associated with Christ's triumph over death is characterized by the use of sweets and meats, things given up during Lent.

The following recipes are only a small sample of the kinds of traditional foods consumed during this time of year, but they are delicious and well worth the preparation time.

Grandma Konefsky's Warsaw Ghetto Stuffing/ from her grandson Fred

This recipe is an old family tradition that stems from a lack of choice items for a stuffing, rather than a lack of imagination. In other words, anything handy was thrown in since very little else was available in that neighborhood.

Empirical evidence: Atleson played his banjo for three consecutive days and nights after sampling this. On the other hand, it had no measurable effect on Schlegel.

1 egg
¾ cup water
¾ cup matzoh meal

Matzoh Balls/ from Jeff Singer

This very traditional passover food is usually added to chicken soup. However, any soup stock will do.

½ cup matzoh meal
1 teaspoon salt
2 tablespoons chicken fat (or 2 tablespoons vegetable oil)
2 eggs
2 tablespoons soup stock

In a bowl combine the matzoh meal with the salt. In a separate bowl, mix the chicken fat (which you have skimmed from your soup) or the vegetable oil with the eggs. Combine with the salt and matzoh meal until well blended. Add the soup stock and blend well. Refrigerate the mixture at least 20 minutes.

In a three quart pot bring salted water to a brisk boil. Keeping your hands wet, form balls with the mixture (about eight). Drop the balls into the briskly boiling water, then turn heat down slightly until you have a low boil. Cover and cook 30-40 minutes. Remove from pot and add to the soup five minutes before serving.

Ricotta and Salami Pie/ from Marianne Suozzi

Filling:
1 dozen eggs
1 lb. ricotta cheese
1 lb. genoa salami, diced
½ lb. mozzarella cheese, sliced
½ lb. parmesan cheese, grated
Crust:

1½ cups flour
3 tablespoons shortening
enough warm water to form dough

Beat the eggs and add the rest of the ingredients. Mix well. Roll out the dough and line a 10 inch pie plate. Pour the filling into the pie plate and bake one hour at 325 degrees.

3 eggs
2 egg whites (from above)
1 tablespoon candied citron
¼ teaspoon cinnamon
1 lemon rind, grated
1 teaspoon vanilla

First make the pastry. Mix the flour, sugar and butter until crumbly. Add the egg yolks and form into a ball. Set aside.

Cook the rice, then, using a colander, rinse it with cold water. Set this aside to cool. Melt the chocolate in a double boiler and set aside to cool. Preheat the oven to 350 degrees.

Put the ricotta into a large bowl and beat with an eggbeater until smooth. Add 1 cup of sugar and stir in the eggs until well blended. Add the citron, cinnamon, lemon rind, chocolate and vanilla.

In a separate bowl, whip the egg white left over from the pastry with the remaining sugar until stiff. Then fold them into the ricotta mixture. Then fold in the rice.

Take 2/3 of the pastry, roll it into a round and put it in the bottom of a buttered, 10-12 inch springform pan. Using your fingers, spread it out carefully along the bottom of the pan and up the sides about 1½ inches. Pour in the ricotta mixture.

China Revisited

Better Late Than Never . . .

Here are a couple recipes which came in too late for the last issue.

Chicken Vegetable Ding/ from Judy Subject

1 chicken breast partially frozen
1 tablespoon sherry
1 teaspoon cornstarch
½ teaspoon salt
¼ teaspoon pepper
½ lb. mushrooms, sliced
1 cup cashews (or almonds)
Skin and bone chicken. Slice thinly. Marinate in mixture of sherry, cornstarch, salt and pepper. Stir fry chicken about

three minutes. Add mushrooms and then cashews.

Serve with rice. Serves 4.

Beef with Chinese Vegetables/ from Judy Subject

1 lb. sirloin steak, partially frozen
3 tablespoons soy sauce
2 tablespoons sherry
1 tablespoon cornstarch
½ teaspoon sugar
3 tablespoons oil
1 cup shredded Chinese cabbage
1 pkg. pea pods, thawed

1 small bunch broccoli
2 stalks celery
Slice meat thinly across grain. Marinate in mixture of soy sauce, sherry, cornstarch and sugar for 20 minutes. Break flowerettes off broccoli and quarter. Peel stem of broccoli, discarding woody parts. Slice stems thinly. Slice celery thinly.

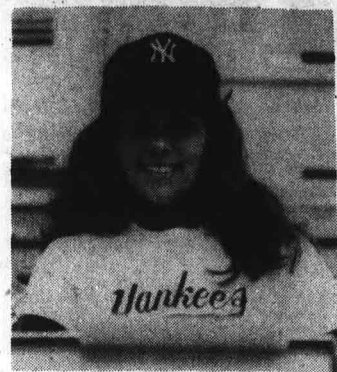
Stir fry beef for about three minutes. Remove beef from pan. Stir fry broccoli and celery. Add cabbage and pea pods. Add beef. Stir fry until broccoli is cooked to crunchy stage.

Serve with rice. Serves 4.



Short Relief

Is A Bird In Hand Worth More In The Stands?



by Maria Colavito

Most of us remember the first big *Bird* craze — it began a couple of years ago when the Detroit Tigers came up with a promising young pitcher named Mark Fidrych, who was dubbed the Bird. He was touted as the man who would thrust the Tigers into contention in the American League. As an added attraction, he held the promise of pulling the Detroit franchise out of the financial doldrums in which many non-championship teams find themselves. Games in which the Bird was scheduled to pitch were frequently sold out, and always better attended than those games

in which he didn't appear. No one was quite sure whether the fans who turned out to see the Bird pitch came for baseball or for fun.

Many critics said half of Fidrych's talent (he was good, compiling a 19-19 record in his rookie season in 1976) was his ability to psych out the batters. After all, it's easy to conceive of a batter becoming non-plussed at seeing a pitcher, a grown man, actually talking to his baseball, telling it where to go on the next pitch. Of course, what really threw off these players was the fact that more often than not, the baseball listened to the Bird and went exactly where commanded.

All in all, it made for quite a show. The fans loved it, it made good press, the owners loved the larger gates and the Bird became an overnight sensation.

Alas, as happens too often in sports, the Bird developed arm troubles and wasn't heard from last season. He is still a big question mark for the Tigers this year. So, except for *Sesame Street's* eight-foot feathered friend, the American people were birdless for a while.

That was until Larry Bird of

Indiana State came along. With all the prerequisites for becoming an All-American hero — small town boy, loves his school, best at what he does and capable of carrying an unrecognized school to the final game of the NCAA finals — he helped make his team believable to a lot of skeptics. Bird became a household word overnight.

Any week now, we are sure to see a story in *People Magazine*, replete with pictures of him helping his mom with the groceries, playing with his dogs in his backyard in French Lick, Indiana, or making a basket in the backyard hoop his father put up when he was a kid. The press loves to write about him which might be due to his large following rather than sportswriters' personal interest. Many writers seem to find the Bird uncommunicative. This isn't surprising considering he probably has not had a moment of privacy since September, and has most likely been asked everything from his opinion on Mideast peace to his ideas on sports as business.

And speaking of sports as business, our newest big Bird is being billed as the man who will

singlehandedly rescue the NBA from its serious financial problems, much as Fidrych was supposed to be the Tigers' white knight. It is no secret the NBA is in trouble; attendance is way down, ticket prices are way up and the owners are unhappy. After all, they don't own basketball teams for fun.

Presently, this is being blamed on the fact that basketball is supposedly becoming a black sport. It is true less than 40 per cent of professional basketball players are white and an even smaller percentage of white players are on the NBA's starting teams. Whether you believe this is the result of the socioeconomic structure of our society or the superior athletic ability of blacks or have your own theory as to why this has happened, is of no consequence. It certainly doesn't matter to the owners who, most likely, have no interest in the socioeconomic structure of our society (apart from wanting to stay at the top), would be more than happy to capitalize on anyone's athletic ability no matter what their color and seldom go around asking you or I for our

theories on their problems.

Whatever the reason for the financial problem, the owners have been persuaded it would behoove them to get more white players into the ranks of the NBA. So, it appears the owners will be embarking on their own affirmative action hiring program. You can almost hear the agents pushing their great white hopes — "Well, it's true that his shooting percentage was a bit below the NCAA average last season, and his rebounding needs some work, but after all he comes from Westchester. I mean, he didn't have the advantages that some of these kids had. They didn't have basketball courts at his father's country club you know. They were into racquetball and golf. But look at the entire picture. Think of what it will mean to white athletes everywhere, who have been struggling since Jackie Robinson's day to achieve equality on the playing fields of America. You really owe it to yourself to pick up this kid. Let me put it this way — the cutting edge here is that this guy will really pack in Mr. and Mrs. Suburban and the kids, know what I mean?"

And that is really what it is all about. Never mind the sports world shouldn't be a source of aggravation of the social and economic differences between blacks and whites. Never mind it certainly shouldn't foster the idea white people can't have a good time watching superior athletes who happen to be black. Seen in the most practical terms, the problem isn't going to be solved by getting Larry Bird and other white middle-Americans out on the basketball courts in exchange for multi-million dollar contracts.

The real problem is Mr. and Mrs. Suburban can't afford to take their family to a basketball game. Larger contracts mean higher ticket prices, no matter the color of the players on the team. Instead of worrying about black and white, the owners should worry about the fan's green for a change.

Record Rack

Byrds Regroup And The Harmony Shines

by Mike Rosenthal

McGuinn, Clark and Hillman
McGuinn, Clark and Hillman

Throughout the years, rock artists have found group situations too limited for their egos, professional growth and musical tangents. This has caused continual change in a good number of bands. And yet, despite the fact that each member of the band is talented in his own right, he never again seems to reach the level of success he had as a group member. Neither McCartney nor Lennon made it nearly as big as the Beatles; Diana Ross, as a recording artist, never reached the peaks that had once been reached by the Supremes. It has been even rougher on the individuals who were less readily identifiable beforehand; look at the solo careers of the Moody Blues, Yes and the Who. Such was the case with the Byrds. The only member of the original Byrds to ever duplicate or surpass his past has been David Crosby and he did this while he was a member of another group. The other members floundered.

Now, however, three of the original Byrds have regrouped and forged a new sound which has some of the old Byrds in it, along with much of the influence of the late seventies. One of the best things about this album is its consistency. The harmony shines, and the instrumentation is classy throughout.

The current single is "Don't You Write Her Off". It is a fast-paced number with a chorus that is immediately fixed in your mind. McGuinn's lead vocal and the catchy rhythm help to make this a sure candidate for hit status. The best followup would probably be "Surrender To Me," a beautiful ballad that starts off a

little slow (the intro really doesn't fit and probably would be better done away with) but picks up with the advent of the first chorus.

Without a doubt, the lyrical gem of the album is its only acoustic number, "Bye Bye Baby." Here the instrumentation is at a minimum, and McGuinn's voice is about the best it has ever been.

All of the members contribute to the writing with the strongest effort coming from McGuinn. Other solid cuts on the album include "Long Long Time" and "Backstage Pass."

This album should set these three talented artists back on the commercially and artistically successful track from which they were derailed several years ago. Let us hope this reunion is a lasting one and not a momentary pause in their solo careers.

I Could Have Been A Sailor
Peter Allen

Allen is primarily known as a composer. His work with Jeff Barry led to Olivia Newton-John's big hit "I Honestly Love You." With Adrienne Anderson, the lyricist of Barry Manilow's "Could It Be Magic" he wrote Pablo Cruise's recent hit "I Go To Rio." With Carole Bayer Sager he wrote Melissa Manchester's current smash "Don't Cry Out Loud." As a singer, Allen is not particularly distinctive. However this does not prevent the album from being thoroughly enjoyable — Allen's singing takes a back seat to his writing and the excellent arrangements throughout.

The album's highlight is "Don't Wish Too Hard." This song is very much in the spirit of his "I Go To Rio" and Manilow's

"Copacabana" and could very well be the song to break Allen to the general public. The lyrics on this song, as on the majority of the album, are by Carole Bayer Sager. Sager is probably the best lyricist around today ("Nobody Does It Better," "When I Need You," and "Midnight Blue" among others) and her work on this album is up to par.

Three of the songs on this album have the potential to be hit singles, but it is doubtful Allen is going to be the singer on the hit versions. The song with the most potential is "I'd Rather Leave While I'm In Love" which has already been covered by several artists and will become a standard in the hands of a Streisand or a Manilow. "If You Were Wondering" and the title song are also very strong.

Probably the most interesting song on the album is the collaboration between Allen, Sager and Marvin Hamlisch, "Two Boys." The lyrics attempt to explore how two boys who grow up in identical surroundings can become such different people. While the song is not completely successful, it is a worthy and interesting venture.

Strangely, the only song on the album that does not work is the one which is most familiar, "Don't Cry Out Loud." Particularly in the light of Manchester's superb reading of this song, Allen's vocal weakness stands out plainly.

Fate For Breakfast
Art Garfunkel

The cover of this album is particularly eye-catching. The picture of Garfunkel on the back cover is so visually striking it might lead one to think the album is as filled with dark humor as the cover. Gratefully, it's not. This

album features Garfunkel doing what he does best — love songs.

Garfunkel's last album was a noble experiment. He tried to take some of Jim Webb's better but less known songs and record an album spotlighting Webb. He produced the album himself, a first, and delivered an album of beautiful if not particularly memorable or commercial songs. His record company held up that album until Garfunkel put one commercial single on it and they received a remake of "What A Wonderful World." However, even with the inclusion of that song, the album was not commercial enough and its sales were disappointing.

With this album, Garfunkel has returned to the style and commerciality of his *Breakaway* album. He has an outside producer, Louie Shelton, known for his work with Seals and Crofts. The pairing works quite well and yields an album diverse in style and consistent in class. There are several candidates for singles, and several more that stand up well after repeated listenings. "Finally Found A Reason" has a sound not unlike that of Seals and Crofts' best work and possesses a steady beat and nice building throughout. "Oh How Happy" is a remake of a song that was always fun and easy to sing along with, and is even more so now. "Take Me Away" has the grandeur and beauty of a Renaissance song. "Since I Don't Have You" is done in the style of "I Only Have Eyes For You" and, like that hit, makes a beautiful song from the past even better. Other standouts are "Beyond The Tears," "In A Little While" and "Sail On A Rainbow." The only miss on the album is "And I Know" which is marred by a very strange sounding background vocal.



**IS THIS
WHAT YOUR
KISSES
TASTE LIKE?**

If you smoke cigarettes, you taste like one.

Your clothes and hair can smell stale and unpleasant, too.

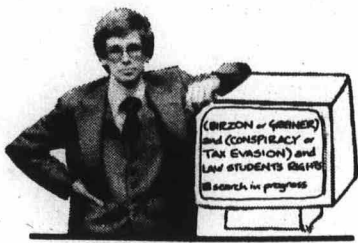
You don't notice it, but people close to you do. Especially if they don't smoke.

And non-smokers are the best people to love. They live longer.

**AMERICAN
CANCER SOCIETY**

This space contributed by the publisher as a public service.

LEXIS Search Finds Landmark O'Brian Cases



by Mike Buskus

Some previously unreported cases of great interest to law students have been located thanks to LEXIS. These decisions, which have recently been reprinted in the Trivia Law Review, were formerly available only in slip opinion form.

Birzon v. United States, 422 U.S. 999 (1976) In this case the defendant, adjunct professor of law, was indicted along with three co-conspirators for violation of 18 U.S.C. §371, conspiracy against the United States. The indictment alleged a common plan of the conspirators to violate students' 4th, 5th, 6th, 8th, 9th, 13th and 14th amendment rights.

Students' 4th amendment rights ("The right of the people to be secure in their... papers... shall not be violated") were violated by unreasonable and warrantless criticism of students' case briefs.

Students' 5th amendment rights against self-incrimination were violated by a conspiracy to force students to take mandatory final exams, which tend to incriminate students.

Students' rights against double jeopardy were violated by the conspirators, who forced students to be retried on their lack of knowledge on four separate occasions.

The 6th amendment rights to the assistance of counsel were violated when Birzon and the other co-conspirators prevented students from having attorneys present to assist them during exams.

8th amendment guarantees against cruel and unusual punishment were violated when Birzon and the other co-conspirators imposed unconscionably lengthy assignments over an insufficiently short period of time.

Conspiracy to violate students' 9th amendment rights ("The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.") involved the denial of student's rights to determine for themselves what their grade for a course should be.

Birzon and the other co-conspirators engaged in a common plot to violate students' 13th amendment protection against involuntary servitude. The professors' common design of excessively punitive workloads were assigned to students without compensation for those excessive travails.

The four professors also conspired to violate students' 14th amendment due process

protections because the validity and merit of answers to questions were adjudicated as a matter of law by the professors, whereas they should be determined as a question of fact by the jury of class opinion.

Opinion: Defendant, acting under claimed governmental power has no right to violate citizens' constitutional rights. *Bivens v. Six Unknown Named Federal Narcotics Agents*, 403 U.S. 388.

The mere status of aggrieved parties as students, without more, does not justify excessive workloads, a form of cruel and unusual punishment. *Robinson v. California*, 370 U.S. 660.

Students have rights against compulsory self-incrimination, which mandatory examinations would violate. *Malloy v. Hogan*, 378 U.S. 1.

Students must be afforded the right to counsel for all examinations. *Gideon v. Wainwright*, 371 U.S. 335.

Evidence of incompetence, inarticulateness, or mere lack of brilliance, obtained by written examination method, unless accompanied by clear and concise warnings cautioning students of the right to remain silent (i.e., not take the exam), is inadmissible to the registrar. *Miranda v. Arizona*, 384 U.S. 436

The remaining constitutional questions are so obvious as to not admit of any controversy.

The conviction of defendant Birzon is affirmed.

★ ★ ★ ★ ★

Greiner v. Commissioner, 1001 U.S. 1023 (1977). The facts of this case are as follows: Taxpayer Greiner (who always had a reverter interest in tackling tax law) was formerly a property professor. He decided that the estate of property professors had a future not interesting enough for him. He made the decision to change his career from property pro to tax tycoon. To do that he embarked upon a carefully planned program to qualify himself as tax professor, spending substantial sums of money in the process. Greiner labelled these sums "expenses" and claimed them as income deductions.

Specifically, taxpayer claimed deductions as follows: \$20.00 for the Bittker and Stone textbook; \$10.00 for the Chirlstein hornbook; \$.10 for a phone call to the IRS to get free publication 796; \$1,000.00 for a research assistant to read tax cases for him; \$3,000.00 home office expense, including walnut panelling and wall-to-wall carpeting; and \$25,000.00 for Ken Joyce's notebooks. The total deductions claimed aggregated \$29,030.10.

Upon routine audit, the Commissioner disallowed the deductions and levied a deficiency assessment, including late fees and a 5 per cent negligence penalty.

Petitioner Greiner declined to pay the tax, opting instead to petition to the Tax Court.

The Tax Court, in recognition and realization of the absence of

any legitimate claim to the deductions, disallowed the claim. 67 T.C. 83.

The Court of Appeals for the Second Circuit affirmed, finding no basis in the taxpayer's contentions. 1011 F.2d 1016 (2d Cir. 1977).

On certiorari to the United States Supreme Court, judgment was affirmed. Held, deductions disallowed.

Opinion: Collector, J., delivered the opinion of the Court: This case presents the narrow issue of whether the expenses incurred in the attainment of skills in the area of federal taxation by someone formerly a property professor are legitimately deductible. For the reasons which we will make clear, we hold that those expenses are not deductible.

I. Taxpayer's claim: Greiner relies solely on Reg. §1.162-5 (b)(3), which in describing deductible educational expenses, states that: "In the case of an employee, a change of duties does not constitute a new trade or business if the new duties involve the same general type of work as is involved in the individual's present employment. For this purpose, all teaching and related duties shall be considered to involve the same general type of work."

II. The Commissioner's viewpoint: The Commissioner relies upon the case of *Joel A. Sharon*, 66 T.C. 515.

III. Findings of law and fact: We concur with the Tax Court that the expenses claimed are not deductible. First, the tax study program embarked upon by petitioner did much more than merely "maintain or improve skills." Instead, it actually qualified petitioner for the more demanding, better compensated, more prestigious position of Tax Professor.

Not incidentally, taxpayer doubtless expected to gain for himself substantial additional "savings" on his own personal tax bill (although presumable, this

case seems to suggest no such "savings"). Additionally, it qualified him to handle such private tax preparation work as "H&R Block" provides for a fee.

Secondly, there was undoubtedly a substantial element of personal consumption enjoyment elicited from perusing the many permutations and loopholes of the Internal Revenue Code. This is especially so in the realm of the note cases in Bittker and Stone.

Finally, to the extent that taxpayer "invested" \$25,000 in Ken Joyce's notebooks, that expenditure must be capitalized and not deducted.

For those reasons, there is no basis in Greiner's contentions or deductions.

Judgment affirmed.

Postscript: Not wishing to discourage this energetic and adventurous taxpayer, this Court suggests that Greiner may wish to investigate the newly developing tax shelter field of *buying and selling Mopeds at a loss*. For taxpayer's edification, please refer to the article in 102 *Moped Law Review* 1023 (1977).

★ ★ ★ ★ ★

United States ex rel. Evidence Class v. Birzon, 43 N.Y.3d 808 (1977).

This litigation arose as a class-action against respondent-defendant Birzon. The suit was a professional malpractice claim grounded in negligence. The trial court reached a verdict for the plaintiff class despite objections by defendant Birzon as to the admissibility of certain evidence.

The United States entered the suit as intervenor in interest, representing the authority on the applicability of the Federal Rules of Evidence.

Pivotal to defendant's case was a lengthy demonstration of his excellent character. The defendant testified in his own behalf, asserting lack of any prior convictions, as well as the lack of any criminal record generally. Over the objection of the defendant, plaintiffs introduced evidence of defendant's prior

conviction (*Birzon v. United States*, 422 U.S. 999 (1976), wherein defendant was convicted of conspiracy [18 U.S.C. §371] to violate students' 4th, 5th, 6th, 8th, 9th, 13th and 14th amendment rights. Held, such evidence is clearly admissible, *Michelson v. United States*, 335 U.S. 469.

Defendant also objected to introduction into evidence of the parking ticket that he received on October 18, 1977 when his Cadillac, license plate no. 626-ECR, was ticketed for parking illegally in the O'Brian lot. Held, such evidence is admissible on the "defendant opened the door" rationale. *United States v. Harris*, 331 F.2d 185 (4th Cir. 1964).

Defendant was unsuccessful in seeking to introduce proof of his past successful record of teaching evidence. The trial court found that such evidence was irrelevant to the issue of defendant's negligent teaching in the instant case. Held, evidence properly excluded, *Cleveland & Buffalo Transit Co. v. Roderick*, 10 Ohio App. 119, distinguished.

Defendant sought, unsuccessfully, to introduce evidence consisting of a Courier-Express editorial stating that he, the defendant, was not guilty of negligence. Held, such evidence is immaterial to the issue of negligence in the instant case. *Morgan, Basic Problems of Evidence* 183 (1961).

As a last ditch effort to avoid an unsuccessful verdict, the defendant sought to introduce a dying declaration made by a former client of Birzon's, scheduled for execution on death row in Georgia. The trial court excluded the dying statement, holding it did not fit the exception to the rule, since while the dying declarant was addressing the issue of defendant Birzon's professional malpractice, it was malpractice in issue in the present case. Held, such evidence was properly excluded. *People v. Becker*, 215 N.Y. 126.

Summary: As no reversible errors occurred at trial, the verdict for plaintiffs is affirmed. Appeal dismissed.



— mike buskus

Elated winners of the basketball playoffs display sign of victory. l. to r.: Bob LaRussa, Sherman Kerner, Fran Turner, Wayne Lopkin, Mike McAleer, Bob Giunta.